

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED

05 APR 22 PM 4:07

ROBERT R. DILLON
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 04-20390 B

RICK L. WOOD and
DOSEY NEWTON,

Defendants.

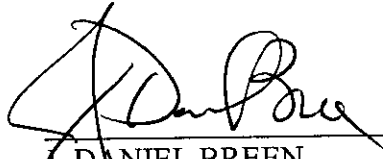
ORDER DENYING DEFENDANT WOOD'S MOTION TO RESET SENTENCING HEARING

Before the Court is the April 21, 2005 motion of the Defendant, Rick Wood, to reset the sentencing hearing currently scheduled for May 5, 2005. Under the Local Rules of this district, "[a]ll non-substantive motions . . . shall be accompanied by a certificate of counsel . . . affirming that, after consultation between prosecution and defense counsel, they are unable to reach an accord as to the action requested by the motion." LCrR12.1(a), Local Rules of the U. S. Dist. Ct. for the W. Dist. of Tenn. (the "Rule"). The Rule further provides that "[f]ailure to file an accompanying certificate of consultation may be deemed good grounds for denying the motion." *Id.* Counsel's statement in his motion that "[i]t is believed AUSA Rae Oliver for the Government will not object" falls short of compliance with the Rule.¹ Thus, the motion is DENIED without prejudice.

¹The Court notes that this is the third time a motion filed by Wood's counsel has been denied for violation of the Local Rules. Counsel is admonished that he is expected, as are all attorneys who practice before this Court, to familiarize himself with and follow the Local Rules of this district.

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IT IS SO ORDERED this 21st day of April, 2005.

A handwritten signature in black ink, appearing to read "J. Daniel Breen", is written over a horizontal line.

J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE



Notice of Distribution

This notice confirms a copy of the document docketed as number 75 in case 2:04-CR-20390 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT